

Dear Commissioners,

We at ABLE Broadcasting continue to believe that the DIRECTV / Echostar merger proposal is in the public interest and should be approved. We believe that the expanded national capacity of the combined company over-rides the concerns cited by the FCC and the DOJ regarding the merger being anti-competitive. Over the long term we believe the separate companies are not likely to be competitive with the expanding offerings of the monopoly cable companies (MSO's), especially in light of their trends in consolidation, increased types of offerings (broadband, telephony, other services) made possible (in part) by the growing consumer acceptance of digital cable. Further, rural customers will be best served by the broader channel offering (including broader local coverage, HD content, interactive content, and data services) that COULD be possible with the merged DTH firm.

However, the amended proposal has a few problems that we believe make it unacceptable as delivered. Specifically:

1. The applicants suggest assigning orbital slots and frequencies to a named company. These assets are the publics, are only licensed to the applicants, and should instead be returned to the public for license at auction.
2. The applicants should retain the non-full-CONUS slots proposed for transfer to the named party and instead return at least one full-CONUS orbital slot to the public for re-auction. If the proposed non-full-CONUS slots are useful, a hypothesis supported by Echostar and DIRECTV having acquired them and now bartering them, the applicants should put them to use in the merged company. A new service (perhaps for DTH TV) would find it easier to use a full-CONUS slot and need that advantage to launch a new service. It would also serve the full CONUS population, including the underserved rural populations that are beyond the reach of the MSOs.
3. Finally, the applicants express no commitment to address the issues of national pricing for TV and broadband services. This commitment is essential for the protection of rural customers, and we believe, is very much in the interests of the public and the applicants.

Thank you for your time.

Sincerely,
Arch Hughes
VP Engineering & Operations
ABLE Broadcasting, Inc.

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